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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic reports of States parties due in 1994

Addendum

NIGERIA*

[10 November 1994]

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* The present document contains the thirteenth periodic report which was due on 5 January 1994. For the tenth, eleventh and twelfth periodic reports of Nigeria, submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/226/Add.9 and CERD/C/SR.993 and SR.998.

GE.94-70254 (E)

Introduction

1. During the period covered by this report, Nigeria, in its effort and determination to uphold the right, dignity and worth of human beings, continued in compliance with the tenets of the Convention on the Elimination of All Forms of Racial Discrimination.

2. The present Government, which came into office on 17 November 1993, constituted Nigeria's tenth Government since independence and the seventh military government. The Babangida Administration, which came to an end in August 1993, was succeeded by the Ernest Shonekan-led Interim National Government which lasted between August and November 1993. At the time, Nigeria experienced the peak of its political upheaval as part of its experience in transition to democratic rule and nation building.

3. The programme of transition to democratic rule which began under the Babangida Administration came to an unfortunate end with the loss of the package of great expectations towards a true democratic Nigeria at the annulment of the Nigerian presidential elections on 12 June 1993. An attempt to salvage the situation was made by the Ernest Shonekan Interim Government which was fraught with harsh economic and political demands.

4. In order to avoid a situation of total collapse of the governance of Nigeria the General Sanni Abacha Administration came into power. The Administration has a Provisional Ruling Council as the main decision-making organ; the Government has resuscitated the national goal of the attainment of a unified and viable nation.

MEASURES TO IMPLEMENT ARTICLES 2 TO 7 OF THE CONVENTION

5. In pursuit of national unity and in its effort to defuse ethnic, religious and linguistic tensions, Nigeria continued the programme of transition to democracy. Such programme included the setting up of some national outfits like the Directorate of Social Mobilization (MAMSER) to mobilize and enlighten people by creating an awareness of the need for general participation in national programmes. A well-organized census exercise was carried out in all the 30 States of Nigeria as well as the Federal Capital Territory of Abuja in 1991.

6. The census provisional figures are as listed below:

State	Males	Females	Total
Lagos	2 999 526	2 686 253	6 685 781
Kano	2 858 724	2 773 316	5 632 040
Sokoto	2 188 111	2 234 280	4 392 391
Bauchi	2 202 962	2 091 451	4 294 413
Rivers	2 079 583	1 904 274	3 983 857
Kaduna	2 059 382	1 909 870	3 969 252
Ondo	1 958 928	1 925 557	3 884 485
Katsina	1 944 218	1 934 126	3 878 344
Oyo	1 745 720	1 743 069	3 488 789
Plateau	1 645 730	1 633 974	3 282 704
Enugu	1 482 245	1 679 050	3 161 295
Jigawa	1 419 726	1 410 203	2 829 929
Benue	1 385 402	1 394 996	2 380 398
Anambra	1 374 801	1 393 102	2 767 903
Borno	1 327 311	1 269 278	2 596 589
Delta	1 273 208	1 296 973	2 570 181
Imo	1 178 031	1 307 468	2 482 367
Niger	1 290 720	1 191 647	2 482 367
Akwa Ibom	1 162 430	1 197 306	2 359 736
Ogun	1 144 907	1 193 663	2 338 570
Abia	1 108 357	1 189 621	2 297 978
Osun	1 079 424	1 123 592	2 203 016
Edo	1 082 718	1 077 130	2 159 848
Adamawa	1 884 824	1 039 225	2 124 049
Kogi	1 055 964	1 043 082	2 099 046
Kebbi	1 024 334	1 037 892	2 062 226
Cross Rive	1 945 270	920 224	1 865 604
Kwara	790 921	775 548	1 566 469
Taraba	754 754	725 836	1 480 590
Yobe	719 763	691 718	1 411 481
Abuja F.C.T.	208 535	172 136	378 671
Country's total	44 544 531	43 969 970	88 514 501

7. Other relevant data on the Nigerian population since the 1991 census are yet to be released and will be made available in the next report.

Article 2

8. The period witnessed the existence of tribunals of inquiry which were used to clear up cases of various subject matters such as miscellaneous offences, recovery of public property and that of exchange control. Press freedom became non-negotiable; journalists practised their profession without fear of any harassment and the mass media were encouraged and assisted to grow in the society.

9. The provision of section 15(1) of the Nigeria Constitution of 1979 which provides that "national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited" is being upheld.

10. In furtherance of its policy of national integration, the Federal Government of Nigeria promulgated decree No. 23 of 9 July 1992 which brought into existence the Oil Mineral Producing Areas Development Commission. The Commission was charged with using a special fund for the Federation mineral-producing areas. The Federal Government increased the special fund for oil mineral-producing areas from 1.5 per cent to 3 per cent of the Federal Account. The Commission was charged with the task of determining and identifying the actual oil-producing areas and to embark on the development of projects which were properly agreed upon with the local communities. It should liaise with the oil companies in the areas on matters of pollution, control and effective methods of tackling oil spillages.

11. As contained in the previous reports, the system of allocating funds to the States in accordance with the Allocation of Revenue (Federation Account, etc.) (Amendment) Decree No. 36 of 1984 is as follows:

(a)	Federal Government:	55 per cent
(b)	State Governments:	32.5 per cent
(c)	Local Government Councils:	10 per cent
(d)	Fund for the Amelioration of Ecological Problems:	1 per cent
(e)	Fund for the Development of Mineral Producing Areas of Nigeria:	1.5 per cent the revenue accruing to the Federation Account derived from minerals.

Article 3

12. As contained in the previous reports, Nigeria has always maintained an attitude of non-acceptability towards racism, apartheid and racial discrimination, both within her borders and beyond her shores. This is also the position throughout the period covered by this report. Nigeria is a member of the Commonwealth Eminent Persons Group (EPG) on South Africa. It is quite active as a member of the United Nations Special Committee against Apartheid. Before 1992, when the United Nations lifted some sanctions against South Africa, Nigeria had no formal, diplomatic, economic or other ties with South Africa. It should also be noted that Nigeria was very involved in the CODESA talks of 1992. It is also on record that Nigeria is a party to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Apartheid in Sports.

13. In support of a phased withdrawal of all sanctions by the international community, Nigeria by December 1993 had announced its decision to lift all sanctions against South Africa except those relating to the arms embargo

(Security Council decision), collaboration in nuclear matters and the establishment of full diplomatic relations. There was consequently a presidential directive in March 1993. It is necessary to note that the new Nigerian Constitution of 1989 which was expected to be fully operational on 27 August 1993 had to be suspended in the face of political log-jam when the transition programme was brought to an abrupt end; the 1979 Constitution continued to be operational. Furthermore, it is important to state that despite the Constitution (Suspension and Modification) Decree No. 107 of 1993 which amended the 1979 Nigerian Constitution, chapter IV of the 1979 Constitution which implements article 3 of the Convention on the Elimination of All Forms of Racial Discrimination still stands.

14. Section 39 (1) of the Constitution provides as follows:

"39-(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:

(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions, or political opinions are not made subject; or

(b) be accorded either expressly by, or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions.

2. No citizen of Nigeria shall be subjected to any disability of deprivation merely by reason of the circumstances of his birth."

15. The provision of this section, which is the cornerstone and the fulfilment of the aims and objectives of the Convention on the Elimination of All Forms of Racial Discrimination, is upheld by Nigeria's military administration notwithstanding.

Article 4

16. Nigeria from 1989 embarked on a general overhauling of its laws, in all areas. A lot has been done since then, but the exercise is ongoing in specific areas. In the criminal law area, Nigeria operates both the Criminal and Penal Codes, the former in the south and the latter in the north. Following various demands the idea of a merger of the two was also one of the issues for review. Specifically, and in order to fully implement the provisions of article 4 of the Convention, necessary steps are being taken by the appropriate authority.

17. It must be stated, however, that Nigeria does not have racial problems and no organization, activity, public authority or public institution, national or local, is permitted to promote or incite racial discrimination.

18. Nigeria supports and cooperates fully with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR). Nigeria has an estimated number of about 1,500 refugees each from Liberia and Chad.

Additional information regarding article 5

19. As was mentioned under article 3, Decree No. 107 of 1993 did not erode the basic rights of man enshrined in the Nigerian Constitution. The following provisions dealing with respect for human dignity are still retained under the 1979 Constitution:

Section	30	Right to life
"	31	Right to dignity of human person
"	32	Right to personal liberty
"	33	Right to fair hearing
"	34	Right to private family life
"	35	Right to freedom of thought, conscience and religion
"	36	Right to freedom of expression and the press
"	37	Right to peaceful assembly and association
"	38	Right to freedom of movement
"	39	Right to freedom from discrimination
"	40	Right against compulsory acquisition of property.

20. Apart from the above local legislation, Nigeria's membership under the African Charter on Human and People's Rights expects compliance with the provisions on human rights under the Charter. The Charter has been incorporated into the national laws.

21. In support of political and civil rights and to further promote and protect human rights, Nigeria in 1992 ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

22. During the transition to democratic rule a period which forms part of this report, the free exercise of people's voting rights and right to peaceful association clearly demonstrated Nigeria's promotion of civil and political rights.

23. In upholding these constitutional rights and other provisions, the Nigerian courts have not failed to fulfil their expected roles as an independent judiciary.

Article 6

24. Section 6(1)(2)(5) of the 1979 Nigerian Constitution vests the judicial powers of the Federation in the courts being courts established for the Federation as follows:

(a) The supreme Court of Nigeria;

(b) The Federal Court of Appeal;

(c) The Federal High Court;

(d) A High Court of a State;

(e) A Shariah Court of Appeal of a State;

(f) A Customary Court of Appeal of a State;

(g) Such other courts as may be authorized by law to exercise jurisdiction on matters with respect to which the National Assembly (PRC) may make laws.

25. Section 42 gives special jurisdiction to the High Courts of the State:

> "1. Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.
>
> 2. Subject to the provisions of this constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such order issue such writ and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that State of any rights to which the person who makes the application may be entitled under the Chapter."

26. The above section without doubt firmly entrenched judicial review. The human rights guaranteed by the 1979 Constitution have therefore been accorded special protection by the courts.

27. Furthermore, it is necessary to mention that a legal aid scheme was introduced in Nigeria in criminal cases in 1976 through the Legal Aid Act. It was expanded due to the constitutional recognition of the right to legal aid in cases regarding allegations of infringement of a citizen's fundamental rights. The 1979 Constitutional provision states as follows:

> Section 42 "The National Assembly (which has been amended to read Provisional Ruling Council) shall make provisions:
>
> (4)(b)(i) for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim; and

(ii) for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real."

28. The Legal Aid Scheme has since been further amended in recognition of the importance of legal representation in civil matters by the Legal Aid Amendment Decree No. 10 of 1986.

Additional information relevant to article 7

29. The Nigerian Government places emphasis on the quality of education and has therefore established nationally acceptable standards and practices in order to ensure even and progressive development throughout the country. The Government is taking steps to ensure that the country's informal education programme is not inferior to the formal school system. Although the country has recorded significant growth in formal education and a phenomenal leap in the number of universities from 1 in 1948 to about 32 in 1992 as well as other tertiary institutions, the Government tries to bring about a qualitative increase in adult literacy education through the promulgation of the Mass Basic Literacy Adult and Non-formal Education Commission Decree No. 17 of June 1991.

30. Nigeria also follows the framework or action of the World Declaration on Education For All, to meet the basic learning needs and goals of all people. These goals include:

(a) To enable every Nigerian child, youth and adult to benefit from educational opportunities designed to meet their basic learning needs;

(b) To ensure that every Nigerian possesses the essential skills and literacy needed to participate meaningfully and maximally in his/her individual, communal and national life;

(c) To provide every Nigerian with some basic knowledge, skills, values and attitudes required to exist in the contemporary world;

(d) To equip every Nigerian adequately to be able to take informed decisions on local, national or global issues;

(e) To achieve the goals of environmental protection locally and nationally;

(f) To promote the values of tolerance, equality and social justice; and

(g) To inculcate the ideals of patriotism and nationalism.

31. The National Council on Education recently adopted the enlarged nine years of primary and three years of junior secondary in September 1992 to enlarge and enhance the horizon of the youth beyond a six-year primary education scheme. A modest approach called Each-One-Teach-One or Fund-The-Teaching-Of-One has been introduced. This concept is based on the principle of voluntarism and it seeks to activate and promote individual

and national development efforts. In the educational programme of Nigeria, the three tiers of government, local and state and federal are involved.

32. The National Cultural Policy, amongst other things, aims at evolving from our plurality a national culture, the stamp of which will be reflected in Africa and world affairs, and to mobilize and motivate the people by disseminating and propagating ideas which promote national pride, solidarity and consciousness. Nigeria has a national theatre troupe which represents its rich cultural heritage. This troupe is conceived as a professional and commercial-oriented troupe which will promote, present, preserve and propagate the values of Nigerian culture through its national and international performances. Due to the new National Cultural Policy, cultural policy is seen being more than a social service capable of contributing to economic and national development.

33. In order to reduce housing problems and improve the living standard of people, the federal Government has launched a national housing scheme, where houses of different types and classes are sold to the people at affordable prices.

34. Finally, Nigeria has very dynamic media. To a large extent Nigeria has a free press and the State media try to be objective, disseminating news on all areas of the country. There are several newspapers and journals that are published; the radios and televisions too are used to carry news on the protection and promotion of human rights.